

October 30, 2007

Mr. Charlie Michels, Executive Director
Professional Standards Board
Townsend Building
401 Federal Street
Dover, DE 19901

RE: 11 DE Reg. 404 [Elementary School Counselor Regulation]

Dear Mr. Michels:

The State Council for Persons with Disabilities (SCPD) has reviewed the Professional Standards Board's [in collaboration with the Department of Education (DOE)] proposal to amend its certification regulation applicable to elementary school counselors. The proposed regulation was published as 11 DE Reg. 404 in the October 1, 2007 issue of the Register of Regulations. SCPD has the following observations.

First, the standards are similar to existing criteria. To qualify for the certificate, a new applicant must either: 1) have a Masters degree in Elementary School Counseling; or 2) have a Masters degree in another field plus 27 hours of specified graduate course work. There is also an experience requirement of either 3 years in an elementary school setting, 3 years of equivalent experience, or 1 year elementary school counseling internship.

Second, the DOE may wish to reconsider the scope of the criteria which authorize the applicant to qualify based on "a Masters degree in any content area" plus 27 semester hours of specified course work. There is no definition of "content area". Under this standard, even a librarian (school library media specialist) or PE teacher could qualify as a school counselor if the coursework standards were met. Reasonable persons might differ on whether this is too loose a standard. SCPD recommends that the DOE define "content area".

Third, the title of "elementary school counselor" is somewhat narrow. Section 1.0 recites as follows: This certification is required for grades 1 to 6, and is valid in grades 5 to 8 in a Middle Level School". The DOE should consider whether this could be interpreted as permitting individuals to serve as "counselors" in middle school with no counseling certificate. Based on the DOE's proposed Secondary School Counselor regulations, 11

DE Reg. 420, 422, §1.1, SCPD infers that the Department expects a middle school counselor to have either an elementary school counselor or secondary school counselor certificate. However, there is no regulation which literally requires an individual serving as a counselor in a middle school to have any counseling certificate. For clarity, the DOE should consider adding a regulatory note or adding the following sentence to the end of §1.1: A Middle Level School counselor must have either an elementary or secondary school counselor certificate.

Fourth, since the DOE contemplates that an individual with an elementary school counseling certificate can successfully work in a middle school, it may wish to consider amending the experience standard (§4.2.1) to read “(a) minimum of three years in an elementary or middle school setting”.

Fifth, for grammatical reasons, the DOE should consider substituting “satisfactorily completed” for “satisfactory completion of” in §4.1.2. There is a lack of parallel form. All standards in §4.0 are in verb form (e.g. “has satisfied”; “graduated”; “has met”).

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

Sincerely,

Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Valerie Woodruff
Ms. Jean Allen
Ms. Martha Toomey
Ms. Paula Fontello, Esq.
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Ms Jennifer Kline, Esq.
Ms. Susan Haberstroh
Developmental Disabilities Council
Governor’s Advisory Council for Exceptional Citizens